



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

32 OLD SLIP, 25TH FLOOR
NEW YORK, NEW YORK 10005

RACHEL POMERANTZ
DIRECTOR
NEW YORK OFFICE

October 5, 2023

Sent via email only to screenwriter97@gmail.com

Justin Samuels
3523 72nd Street
Jackson Heights, New York 11372

Re: Case No. 02-23-2276
Barnard College

Dear Mr. Samuels:

On August 21, 2023, the U.S. Department of Education (the Department), Office for Civil Rights (OCR) received the complaint you filed against Barnard College. You alleged that the College retaliated against you for your sex- and race-based advocacy by rejecting your submission to the 2023 Athena Film Festival on August 18, 2023. OCR is opening your complaint for investigation.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d-2000d-7, and its implementing regulations at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. OCR also enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program and activity operated by a recipient of federal financial assistance from the Department. The regulation implementing Title VI, at 34 C.F.R. § 100.7(e), provides that no recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by OCR or because one has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing held in connection with a complaint. The regulation implementing Title IX, at 34 C.F.R. § 106.71, incorporates by reference the regulation implementing Title VI, at 34 C.F.R. § 100.7(e). As a recipient of federal financial assistance from the Department, the College is subject to Title VI and Title IX, and their implementing regulations.

Please understand that opening the complaint for investigation under Title VI and Title IX does not mean that OCR has made a determination about the allegation. During the investigation, OCR is neutral; OCR will collect and analyze the evidence it needs to make a decision about the allegation. OCR will ensure that its investigation is legally sufficient and addresses each allegation, as required by OCR's *Case Processing Manual (CPM)*.¹ You may find additional information

¹ See CPM (July 18, 2022) at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

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investigation, proceeding, or hearing held in connection with a complaint. The regulation implementing Title IX, at 34 C.F.R. § 106.71, incorporates by reference the regulation implementing Title VI, at 34 C.F.R. §100.7(e). As a recipient of federal financial assistance from the Department, the College is subject to Title VI and Title IX, and their implementing regulations.

Please understand that opening the complaint for investigation under Title VI and Title IX does not mean that OCR has made a determination about the allegation. During the investigation, OCR is neutral; OCR will collect and analyze the evidence it needs to make a decision about the allegation. OCR will ensure that its investigation is legally sufficient and addresses each allegation, as required by OCR's *Case Processing Manual (CPM)*.¹ You may find additional information

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about OCR's Complaint Processing Procedures [here](#). Individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

Complaint allegations may be resolved in a variety of ways, including through mediation pursuant to Section 201(b) of OCR's *CPM*. Under 201(b) mediation, if both parties are interested and if OCR determines that the individual allegations are appropriate for mediation, the parties may voluntarily resolve these complaint allegations through mediation that OCR will facilitate. Note that in such case OCR does not monitor or enforce the agreement reached between the parties. Please inform OCR if you are interested in resolving this complaint through mediation.

When appropriate, a complaint may be resolved before the conclusion of an investigation after the recipient expresses an interest to OCR to resolve the complaint. In such cases, OCR obtains a resolution agreement signed by the recipient. This agreement must be aligned with the complaint allegations or the information obtained during the investigation, and it must be consistent with applicable regulations.

Please be advised that the College must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint against the College with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, please contact Lauren Numeroff, Senior Attorney, at (646) 428-3895 or lauren.numeroff@ed.gov; or me, at (646) 428-3901 or alexander.artz@ed.gov.

Sincerely,



Alexander H. Artz
Compliance Team Leader